

REMARKS

Claims 1-27 are hereby canceled, without prejudice, in favor of new claims 28-47 now pending in the application.

In the final Office action, claims 1-17 and 19-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Appleman et al. (US 6,539,421 B1, hereinafter "Appleman") in view of Metso et al. (US 5,920 826, hereinafter "Metso"). Claim 18 was rejected under 35 U.S.C. § 103(a) as bring unpatentable over Appleman in view of Metso and in further view of Isaacs et al. (US 2002/0026483 A1, hereinafter "Issacs"). The applicants believe these rejections now to be moot in view of the presentation of new claims 28-47, but traverse them nonetheless and respond as follows.

The claims recite a method within a wireless communication device and a wireless communication device for facilitating real-time communication using text messaging, e.g., short message service (SMS) and the like. Particular preferred embodiments enhance text messaging in group chat situations by ensuring temporal arrangement of chat messages. *See Specification, page 4, lines 1-23.* In that regard, provided is a message creation reference (MCR) that is not tied to the sending or receipt of a message, but to when the message is created. For example, an MCR for a message may be created in connection with message generation and transmitted with the message. Once received, the message creation reference permits processing of the message to allow the message to be displayed to the user in appropriate relationship with other received real-time communication messages based upon message creation, not time of transmission or time of receipt. Thus, the message creation reference provides for improved sequential ordering of messages for all participants in the group chat session.

To establish a prima facie case of obviousness, and hence to find claims 1-27 unpatentable under 35 U.S.C. § 103(a), three basic criteria must be met. First, there must be

some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not be based upon applicant's disclosure. MPEP at § 2142.

The applicants submit that the cited references do not anticipate or render obvious new claims 28-47. The Appleman reference teaches only general concepts of instant messaging (IM) systems. The Metso reference describes a process of sorting incoming IM messages; however, this sorting is accomplished based upon time stamps associated with the time of sending or the time of receipt, but not the time of message creation. Metso also relies upon user input to accomplish sorting.

In contrast, the claimed method and apparatus provides a wireless communication device that is operable on received real-time communication messages to sort the real-time communication messages automatically based upon the message creation reference, i.e., a reference to when the message is created. Nowhere does Appleman, Metso or the combination of Appleman or Metso teach or suggest such processing within a wireless communication device. Therefore, the applicants submit claims 28-47 are allowable, and such action is solicited.

The examiner is encouraged to contact the applicants' undersigned attorney with any questions regarding this response or the application as a whole. Since the application is in a condition for allowance, such action is requested at the examiner's earliest convenience.

If there are any additional fees or refunds required, the Commissioner is directed to charge or debit Deposit Account No. 13-2855. Applicants respectfully request reconsideration and withdrawal of the rejection of the claims at issue and allowance thereof.

Respectfully submitted for,

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